

TERMINAL DISCLAIMER

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Serial No. 10/687,875
Filing Date. October 20, 2003
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AUG 09 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT
APPLICATION OF: Dominick Cirone
 SERIAL NO.: 10/687,875
 ATTORNEY DOCKET NO.: 042013-0311336 (23446-016-401)
 FILING DATE: October 20, 2003
 ART UNIT: 3727
 EXAMINER: TRI M. MAI
 FOR: PROTECTIVE BAT COVER

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Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

The undersigned, on behalf of the Petitioner, **Dominick Cirone**, represents that the Petitioner, **Dominick Cirone**, is the sole owner of the entire right, title and interest of:

- (1) U.S. Patent Application Serial No. 09/664,537, filed on September 18, 2000 (Issued as U.S. Patent No. 6,681,821 B1 on January 27, 2004) for "PROTECTIVE BAT COVER;" and
- (2) the above-captioned U.S. Patent Application Serial No. 10/687,875 (which is a continuation of U.S. Patent Application Serial No. 09/664,537).

Petitioner hereby certifies that, to the best of Petitioner's knowledge and belief, title is in Petitioner who is seeking to take this action.

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Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned U.S. Patent Application Serial No. 10/687,875 which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,681,821 B1, and hereby agrees that any patent so granted on the above-captioned U.S. Patent Application Serial No. 10/687,875 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,681,821 B1 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Patent Application Serial No. 10/687,875, this agreement to run with any patent granted on U.S. Patent Application Serial No. 10/687,875 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Patent Application Serial No. 10/687,875 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,681,821 B1 in the event U.S. Patent No. 6,681,821 B1 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a Reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title state above.

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The undersigned whose signature and title appear below is empowered to act on behalf of Petitioner.

The Director is authorized to charge the \$65.00 fee (small entity) for the filing of this Terminal Disclaimer, as well as any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 033975 (Ref. No. 042013-0311336).

Date: August 9, 2006

Respectfully submitted,

By:


Bradford C. Blake
Registration No. 47,429

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